

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
09-CV-3148(JMR/AJB)

Doctor's Associates Inc.)	
)	
v.)	ORDER
)	
Subway.SY LLC and Hani)	
Kotifani)	

This matter is before the Court on plaintiff's motion for judgment on the pleadings or, in the alternative, summary judgment, pursuant to Federal Rules of Civil Procedure 12(c) and 56. A hearing was held in this matter on April 2, 2010.

Based on the files, records, and proceedings herein, and for the reasons stated at the hearing, IT IS ORDERED that:

1. Plaintiff's motion [Docket No. 10] for summary judgment is granted on its claims for:

- a. Trademark infringement and unfair competition under Sections 32 and 43(a) of the Lanham Act (Counts I & II);
- b. Trademark dilution under 15 U.S.C. § 1125(c)(Count III);
- c. Violation of the Anti-Cybersquatting Consumer Protection Act under 15 U.S.C. § 1125(d)(1)(Count IV); and,
- d. Cancellation of Minnesota Trademark Registration, pursuant to Minn. Stat. § 333.25 (Count V).

2. The Court hereby directs the Clerk of Court to furnish the Minnesota Secretary of State with a copy of this Order.

3. Pursuant to Minn. Stat. § 333.25, the Minnesota Secretary of State is directed to cancel the SUBWAY.SY EAT HEALTHY mark.

4. Plaintiff is granted leave to seek additional relief, by filing a motion and memorandum therefore, on or before April 30, 2010. Defendants may file a response to plaintiff's motion on or before May 14, 2010.

Dated: April 6, 2010

S/JAMES M. ROSENBAUM
JAMES M. ROSENBAUM
United States District Judge